

Patrick J. Murphy, WSB No. 5-1779
Zara S. Mason, WSB No. 7-6267
WILLIAMS, PORTER, DAY & NEVILLE, P.C.
159 North Wolcott, Suite 400
P.O. Box 10700
Casper, WY 82602-3902
Telephone: (307) 265-0700
Facsimile: (307) 266-2306
E-Mail: pmurphy@wpdn.net

Christopher K. Ralston (Admitted *Pro Hac Vice*)
Lindsay Calhoun (Admitted *Pro Hac Vice*)
James Gilbert (Admitted *Pro Hac Vice*)
PHELPS DUNBAR LLP
Canal Place
365 Canal Street, Suite 2000
New Orleans, LA 70130
Telephone: 504-584-9358
Facsimile: 504-568-9130
Email: chris.ralston@phelps.com
lindsay.calhoun@phelps.com
james.gilbert@phelps.com

Attorneys for Plaintiff The Trial Lawyers College
And Third Party Defendants John Sloan, James
R. Clary, Jr., Milton Grimes, Dana Cole, Maren
Chaloupka, and Anne Valentine

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING
CASPER DIVISION

THE TRIAL LAWYERS COLLEGE, a)
nonprofit corporation)

Plaintiff,)

v.)

GERRY SPENCES TRIAL LAWYERS)
COLLEGE AT THUNDERHEAD)
RANCH, a nonprofit corporation, and)
GERALD L. SPENCE, JOHN ZELBST,)
REX PARRIS, JOSEPH H. LOW, KENT)
SPENCE, JOHN JOYCE, and DANIEL)
AMBROSE, individuals.)

Defendants.

CIVIL ACTION NO. 1:20-cv-0080

JUDGE CARSON

MAGISTRATE JUDGE CARMAN

**PLAINTIFF AND THIRD PARTY DEFENDANTS' MOTION
FOR PRELIMINARY INJUNCTION OF CALIFORNIA LAWSUIT**

Plaintiff-Counterclaim Defendant Trial Lawyers College (“TLC”) and Third Party Defendants John Sloan, James R. Clary, Jr., Milton Grimes, Dana Cole, Maren Chaloupka, and Anne Valentine¹ (collectively, the “Counterclaim Defendants”) respectfully request that the Court enter a preliminary injunction against DEFENDANT Gerald L. Spence (“Gerry Spence”). For the reasons set forth the accompanying Memorandum in Support, Counterclaim Defendants respectfully request that the Court grant their Motion for Preliminary Injunction of California Lawsuit and restrain and enjoin Gerry Spence from prosecuting the lawsuit captioned *Gerry Spence v. James R. Clary, John Sloan, Dana Cole, Milton Grimes, and Does 1 through 20*, originally filed in the Superior Court of the State of California for the County of Los Angeles, Case No. 20-ST-CV-42478 on November 5, 2020, and removed to the United States District Court for the Central District of California on December 9, 2020, Case No 2:20-cv-11166 (the “California Action”). The California Action arises out of the same facts and circumstance as this case, which has been pending for over six months. Under either the “first-to-file” rule or pursuant to the Anti-Injunction Statute’s “in aid of jurisdiction” provision, 28 U.S.C. § 2283, Counterclaim Defendants respectfully request that this Motion be granted, and that Gerry Spence be enjoined from prosecuting the second-filed California Action.

¹ Third Party Defendants Sloan, Clary, Grimes, Cole, Chaloupka, and Valentine specifically note that they have moved to dismiss the claims against them for lack of standing and personal jurisdiction and for failure to state a claim, and that nothing contained in this Motion should be construed as a relinquishment or waiver of those rights as asserted. *See* Rec. Docs. 103, 104, 120, 121.

Dated: December 18, 2020

Respectfully submitted,

THE TRIAL LAWYERS COLLEGE

/s/ Christopher K. Ralston

Christopher K. Ralston, (La. Bar #26706)

(Admitted *pro hac vice*)

Lindsay Calhoun, (La. Bar #35070)

(Admitted *pro hac vice*)

James Gilbert (La. Bar #36468)

(Admitted *pro hac vice*)

Phelps Dunbar LLP

Canal Place | 365 Canal Street, Suite 2000

New Orleans, Louisiana 70130-6534

Telephone: 504-566-1311

Telecopier: 504-568-9130

Email: ralstonc@phelps.com

lindsay.calhoun@phelps.com

james.gilbert@phelps.com

and

By: /s/ Patrick J. Murphy

Patrick J. Murphy, WSB No. 5-1779

Zara S. Mason, WSB No. 7-6267

WILLIAMS, PORTER, DAY & NEVILLE,
P.C.

159 North Wolcott, Suite 400

P.O. Box 10700

Casper, WY 82602-3902

Telephone: (307) 265-0700

Facsimile: (307) 266-2306

E-mail: pmurphy@wpdn.net

zmason@wpdn.net

**ATTORNEYS FOR PLAINTIFF THE TRIAL
LAWYERS COLLEGE AND THIRD PARTY
DEFENDANTS JOHN SLOAN, MILTON
GRIMES, MAREN CHALOUPKA, JAMES
R. CLARY, JR., DANA COLE, AND ANNE
VALENTINE**

CERTIFICATE OF SERVICE AND CONFERRAL

I hereby certify that true and correct copy of the foregoing document has been served electronically by transmission to an electronic filing service provider for service through the Court's CM/ECF system to all parties on December 18, 2020. I have also sent a copy of this document to Defendants Dan Ambrose and John Joyce via U.S. Mail or by commercial courier at their last known address. I further certify that on December 18, 2020, Lindsay Calhoun and James Gilbert, counsel for Plaintiff/Counterclaim Defendants conferred with Timothy Getzoff, counsel for Defendant Gerald L. Spence, regarding the relief sought in this Motion, and was advised that Mr. Spence opposes this Motion.

/s/ Christopher K. Ralston

Christopher K. Ralston